

*The CASE of Capt. John Hutchinson, in Relation to his Petition now
before the House of Commons, against Col. Lillingston, and the Agent
to the Regiment, Mr. John Thurston.*

1692 **T**HE Regiment of Colonel *John Foulke*, in which the said Petitioner had a Company, was Ordered to the *West Indies*: And the Petitioner, by Order of his Colonel (for the Service of the said Regiment) was sent on Shore, and by accident left behind when the Fleet sailed from *Cowes*.

That the Petitioner endeavoured to have sailed with the said Fleet, by Marching some Men from *Salisbury* to *Southampton*, Eighteen Miles one Morning by Eleven of the Clock (the Tide being contrary) was kept there till Three of the Clock, and as soon as the Tide served the Petitioner did go to *Cowes*, and the Fleet was then Sailed out of sight; afterwards the Petitioner went to *Portsmouth*, and after to *Cowes*, where he engaged the *Resolution* Privateer to carry him to *Plymouth* to have gained the Fleet, but could not; his Baggage was in the Fleet, and the Petitioner never left the Sea Coast till he sailed after, in hopes to find them.

That before the Petitioner arrived at *Barbadoes* and the *Leeward Islands*, the Fleet which Convoyed the said Regiment was Sailed from them; whereupon the Petitioner Imbarqued for *England* again: And in *September, 1693.* in his return was Wounded, and taken Prisoner into *France*.

The Petitioner in *December, 1693.* arrived in *England*, and found his Company at *Salisbury*, in the same Condition it Arriv'd from the *Indies*, which then consisted only of Twenty three Men, Sergeants, &c. included; only his Ensign had Lifted Two Men, which the Petitioner paid him for: Nor were any of the Companies in the said Regiment then Recruited.

Colonel *Foulke* being Dead, Colonel *Lillingston* came to have the Command of the same Regiment.

That the said Colonel having said, (and probably may do) that he lay under a necessity to Recruit the Petitioner's Company, by reason of his inability; forceth the Petitioner to inform this House, that he can make it appear, (was it material) that to the same Regiment, whilst Sir *John Guise* and Colonel *Foulke* had the Command of it, before it went into *Ireland*, the Petitioner Raised above Two Hundred Men; and after it came from *Ireland*, and the said *West India* Voyage, a considerable Number; and a Company in Colonel *Brudenel's* late Regiment, in 1696.

That the Petitioner Raised Men, and Mustered with his Company at *Salisbury* for the Months of *January* and *February*, (*viz.* Three Sergeants, Three Corporals, Two Drums, and Twenty five Private Soldiers, as by the Muster-Roll may appear: After this Muster, about the beginning of *February*, the said Colonel *Lillingston* Ordered Seventeen Men from Two other Companies to the Petitioner's Company, being then to do Duty at *Plymouth*. The said Colonel Ordered Pay only for the Effective Men till the Fourteenth of *February*; by which time the Petitioner had Rais'd to make his Company near full: And the Money he paid for Advance or Subsisting the Men he Raised before that time, was out of his own Pocket.

That by the First of *March 1694*, the Petitioner's Company was full (as by the Muster-Roll may appear) within One Man, and that Rais'd by the Petitioner soon after: Which Company was Completed thus.

Come back from the <i>West Indies</i> —23	} 63. The Complement of a Full Company.
The Colonel added—17	
The Petitioner Raised—23	

The Petitioner was also at the Charge of taking Two Men who Deserted the Regiment, and were never Mustered by him; which Two Men Colonel *Lillingston* took from him, without any allowance to the Petitioner.

That the said Colonel *Lillingston*, or Mr. *Thurston*, the Agent to the said Regiment, (as the Petitioner most humbly conceives) do unjustly detain from him the Accounts of his Company, from the First of *October, 1693.* to the Fourteenth of *February* following, which is the time the Petitioner should receive some advantage by it, towards the great expence of Raising Men, Buying and Fixing Arms, and all other Necessaries to make good a shatter'd Company. And also the said Colonel or Agent do unjustly detain other Sums of Money out of other Accounts since the Fourteenth of *February*.

The Sums which the Colonel or Agent detain, are in all about 160 *l.* out of which (to the best of the Petitioner's knowledge) there is no just Charge (except what shall be thought fit to allow the said Colonel for the aforesaid Seventeen Men) and he having Two from the Petitioner, as aforesaid, remains due to him but for Fifteen. However, if the Petitioner may have the Accounts of his Company, which is his Right, as by an Act of Parliament in the Fourth and Fifth of *K. William* and *Q. Mary*, Intituled, *An Act for Punishing Officers, &c.* he never refuseth any just Charge.

And the Petitioner Appeals to the Honour of all the General Officers in this House, if it be not Customary when they have had occasion to put Men to a Company, or some Officers to Raise for others, to Charge so much per Man.

That the Petitioner's Refusing to Sign a Discharge in full to Agent *Thurston*, is the Reason the Petitioner is Deprived of his Half Pay.

The Petitioner humbly Prays, That Col. Lillingston, or his Agent may deliver your Petitioner his Accounts, and Pay to him his Due. And that your Petitioner may be restored to his Half Pay.